

18 U.S.C. § 201(c)(1)(B)
18 U.S.C. § 654
18 U.S.C. § 1905
18 U.S.C. § 1001(a)(2)
18 U.S.C. § 1503

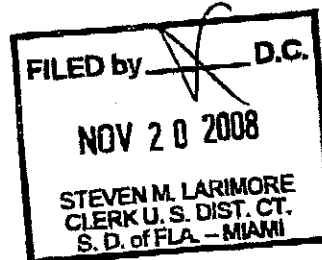
MAGISTRATE JUDGE
BROWN

UNITED STATES OF AMERICA

vs.

PEDRO CINTRON,

Defendant.



INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendant **PEDRO CINTRON** was employed as a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations (hereinafter, "ICE, OI"), and assigned to the Miami, Florida regional office.

2. On or about March 8, 2004, ICE, OI implemented Undercover Operation Palmdale, which was designed to identify, infiltrate, deter and dismantle human smuggling organizations based both domestically and internationally. Operation Palmdale utilized defendant **PEDRO CINTRON**, acting in an undercover role, to engage members of a human smuggling organization by purporting to be an established human smuggler with invaluable resources who could assist or complement the organization's illicit activities. As part of Operation Palmdale, defendant **PEDRO CINTRON**

relied on his undercover role to negotiate with members of smuggling organizations to move aliens from South America to the United States for a fee. All investigative activities, including the negotiated price and receipt of financial proceeds, were formally documented in ICE, OI reports of investigation. Once an investigation resulted in sufficient evidence being obtained, the purported targets of the human smuggling organization were indicted by a federal grand jury and then prosecuted in criminal proceedings upon their arrest.

3. In March 2004, a Confidential Informant D.T. (hereinafter, "CI D.T.") residing in Guayaquil, Ecuador, conveyed information to ICE, OI, regarding several individuals involved in human smuggling that were operating in Ecuador and other foreign countries.

4. On or about April 8, 2004, special agents with ICE, OI documented CI D.T. in Guayaquil, Ecuador, to provide assistance in the Operation Palmdale alien smuggling investigation. CI D.T. agreed to introduce defendant **PEDRO CINTRON**, acting in an undercover role, to members of human smuggling organizations based in Ecuador. In return for CI D.T.'s assistance to law enforcement in furtherance of its investigations into human smuggling, ICE agreed to financially compensate CI D.T. for his services and expenses.

5. In or about October 2004, defendant **PEDRO CINTRON**, while using the undercover identity of "Jose", negotiated with Y.F., a/k/a Alex, a Chinese National who resided in Ecuador, to smuggle Chinese nationals into the United States from Ecuador without lawful authority in furtherance of the undercover Operation Palmdale. On or about October 29, 2004, Y.F. and his associates deposited approximately \$88,000 via wire transfer to an ICE undercover bank account in return for the transport of several foreign nationals into the United States without lawful authority.

6. On or about December 9, 2004, a federal grand jury sitting in Miami, Florida,

returned an indictment in Case No. 04-20964-Cr-King charging Y.F., a/k/a "Alex", and others with alien smuggling for profit, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and conspiracy to commit the same, in violation of Title 18, United States Code, Section 371.

7. In or about August of 2005, ICE, OI special agents assigned to Operation Palmdale opened a second investigation of Y.F. for alien smuggling. On or about July 14, 2005, defendant **PEDRO CINTRON**, again acting in an undercover capacity, negotiated with Y.F. in Lima, Peru, for the smuggling of additional aliens into the United States. On or about September 4, 2005, defendant **PEDRO CINTRON** met Y.F. met in Bogota, Colombia, who arranged to wire transfer approximately \$85,000 to the ICE undercover bank account as a fee for smuggling three more unauthorized persons into the United States.

8. In or about early December 2005, defendant **PEDRO CINTRON** solicited and accepted \$12,000 from Y.F. as a down payment for the smuggling of four additional aliens into the United States. **PEDRO CINTRON** did not document this payment to ICE, OI in any report of investigation.

COUNT 1
Gratuity Received by a Public Official
(18 U.S.C. § 201(c)(1)(B))

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. In or about late 2004, the exact date being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly did demand, seek, receive, accept, and agree to receive and accept something of value, that is, a gold bracelet, personally for and because of an official act performed and to be performed by such official, that is, payment to CI D.T. for his services in assisting an undercover operation conducted by the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations.

In violation of Title 18, United States Code, Section 201(c)(1)(B).

COUNT 2**Theft by Government Official
(18 U.S.C. § 654)**

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.
2. In or about late 2004, the exact date being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, knowingly, willfully, and wrongfully converted to his own use the money and property of another, that is, a gold bracelet valued at less than \$1000, belonging to CI D.T., which came into defendant's possession and control in the execution of his office and employment, and under color and claim of authority as such officer and

employee.

In violation of Title 18, United States Code, Section 654.

COUNT 3
Gratuity Received by a Public Official
(18 U.S.C. § 201(c)(1)(B))

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. In or about December 2004, the exact date being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly did demand, seek, receive, accept, and agree to receive and accept something of value, that is, approximately \$3,000, personally for and because of an official act performed and to be performed by such official, that is, the payment of \$18,800 to CI D.T. for his services in assisting an undercover operation conducted by the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations.

In violation of Title 18, United States Code, Section 201(c)(1)(B).

COUNT 4
Theft by Government Official
(18 U.S.C. § 654)

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. In or about December 2004, the exact date being unknown to the Grand Jury, in

Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, knowingly, willfully, and wrongfully converted to his own use the money and property of another, that is, approximately \$3,000, belonging to CI D.T., which came into defendant's possession and control in the execution of his office and employment, and under color and claim of authority as such officer and employee.

In violation of Title 18, United States Code, Section 654.

COUNT 5

**Gratuity Received by a Public Official
(18 U.S.C. § 201(c)(1)(B))**

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.
2. On or about February 25, 2005, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly did demand, seek, receive, accept, and agree to receive and accept something of value, that is, approximately \$5000, personally for and because of an official act performed and to be performed by such official, that is, the payment of \$41,300 to CI D.T. for his services in assisting the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations.

In violation of Title 18, United States Code, Section 201(c)(1)(B).

COUNT 6
Theft by Government Official
(18 U.S.C. § 654)

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about February 25, 2005, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, knowingly, willfully, and wrongfully converted to his own use the money and property of another, that is, approximately \$5,000, belonging to CI D.T., which came into defendant's possession and control in the execution of his office and employment, and under color and claim of authority as such officer and employee.

In violation of Title 18, United States Code, Section 654.

COUNT 7
Gratuity Received by a Public Official
(18 U.S.C. § 201(c)(1)(B))

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about March 4, 2005, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement,

Department of Homeland Security, Office of Investigations, otherwise than as provided by law for the proper discharge of official duties, directly and indirectly did demand, seek, receive, accept, and agree to receive and accept something of value, that is, approximately \$300 and several cellular telephones, personally for and because of an official act performed and to be performed by such official, that is, the payment to CI D.T. for his services in assisting an undercover operation conducted by the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations.

In violation of Title 18, United States Code, Section 201(c)(1)(B).

COUNT 8
Theft by Government Official
(18 U.S.C. § 654)

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about March 4, 2005, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

a public official, that is, a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, knowingly, willfully, and wrongfully converted to his own use the money and property of another, that is, approximately \$300 and several cellular telephones valued at less than \$1000, belonging to CI D.T., which came into defendant's possession and control in the execution of his office and employment, and under color and claim of authority as such officer and employee.

In violation of Title 18, United States Code, Section 654.

COUNT 9
Disclosure of Confidential Information
(18 U.S.C. § 1905)

1. Paragraphs 1 through 4 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. In or about mid June 2005, the exact date being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

while a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, a department of the United States, knowingly and willfully divulged, disclosed, and made known in a manner and to an extent not authorized by law, information coming to him in the course of his employment and official duties with said department, which information concerned and related to the processes, operations, and apparatus of the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, that is, the defendant's disclosure to an unauthorized individual that D.T. was a confidential informant working with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations.

In violation of Title 18, United States Code, Section 1905.

COUNT 10
Disclosure of Confidential Information
(18 U.S.C. § 1905)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. In or about late 2005, the exact date being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

PEDRO CINTRON,

while a Special Agent with the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, a department of the United States, knowingly and willfully divulged, disclosed, and made known in a manner and to an extent not authorized by law, information coming to him in the course of his employment and official duties with said department, which information concerned and related to the processes, operations, and apparatus of the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, that is, the defendant's disclosure to an unauthorized individual that Y.F. was wanted on pending federal charges.

In violation of Title 18, United States Code, Section 1905.

COUNT 11
False Statement
(18 U.S.C. § 1001)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about May 1, 2007, in Miami Dade County, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, an agency of the executive branch of the United States, the defendant,

PEDRO CINTRON,

did knowingly and willfully make a materially fictitious and false statement and representation, in

that the defendant stated that CI D.T. had not been in contact with federal fugitive Y.F., when in truth and in fact, as defendant then and there well knew, CI D.T. had been in contact with federal fugitive Y.F.; in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 12
False Statement
(18 U.S.C. § 1001)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about May 8, 2007, in Miami Dade County, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the Immigration and Customs Enforcement, Department of Homeland Security, Office of Investigations, an agency of the executive branch of the United States, the defendant,

PEDRO CINTRON,

did knowingly and willfully make a materially fictitious and false statement and representation, in that the defendant stated that CI D.T. had not been in contact with federal fugitive Y.F., when in truth and in fact, as defendant then and there well knew, CI D.T. had been in contact with federal fugitive Y.F.; in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 13
False Statement
(18 U.S.C. § 1001)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. On or about June 19, 2007, in Miami Dade County, in the Southern District of Florida, and elsewhere, in a matter within the jurisdiction of the Immigration and Customs

Enforcement, Department of Homeland Security, Office of Investigations, an agency of the executive branch of the United States, the defendant,

PEDRO CINTRON,

did knowingly and willfully make a materially fictitious and false statement and representation, in that the defendant stated that CI D.T. had not been in contact with federal fugitive Y.F., when in truth and in fact, as defendant then and there well knew, CI D.T. had been in contact with federal fugitive Y.F.; in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT 14
Obstruction of Justice
(18 U.S.C. § 1503)

1. Paragraphs 1 through 8 of the General Allegations section of this Indictment are realleged and incorporated by reference as if fully set out therein.

2. From in or around December 2005 through on or about June 19, 2007, the exact dates being unknown to the Grand Jury, in Miami Dade County, in the Southern District of Florida, and elsewhere, the defendant,

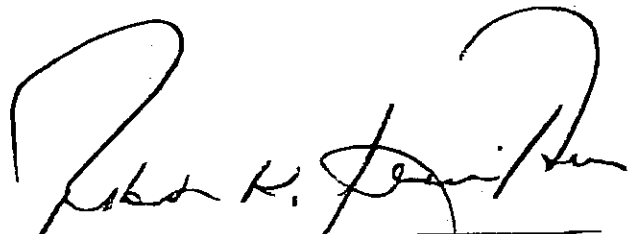
PEDRO CINTRON,

did knowingly, willfully, and corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due administration of justice in the United States District Court for the Southern District of Florida, in that the defendant impeded and attempted to impede the arrest of federal fugitive Y.F. who was charged in Case No. 04-20964-Cr-King with alien smuggling for profit, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and conspiracy to commit the same, in violation of Title 18, United States Code, Section 371.

In violation of Title 18, United States Code, Section 1503.

A TRUE BILL

FOREPERSON


R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY


CHRISTOPHER J. CLARK
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. _____

vs.

CERTIFICATE OF TRIAL ATTORNEY*

PEDRO CINTRON,

Defendant.

Superseding Case Information:

Court Division: (Select One)

X Miami _____ Key West
 _____ FTL _____ WPB _____ FTP

New Defendant(s) _____ Yes _____ No _____
 Number of New Defendants _____
 Total number of counts _____

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

- Interpreter: (Yes or No) No
 List language and/or dialect _____

- This case will take 8 days for the parties to try.

- Please check appropriate category and type of offense listed below:

| | |
|--------------------------|------------------|
| (Check only one) | (Check only one) |
| I 0 to 5 days _____ | Petty _____ |
| II 6 to 10 days <u>X</u> | Minor _____ |
| III 11 to 20 days _____ | Misdem. _____ |
| IV 21 to 60 days _____ | Felony <u>X</u> |
| V 61 days and over _____ | |

- Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No) No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

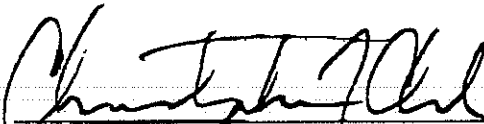
Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes No No

- Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes No No



CHRISTOPHER J. CLARK
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. 0588040

*Penalty Sheet(s) attached

REV 1/0/00

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PEDRO CINTRON

Case No: _____

Counts #: 1, 3, 5 and 7

Receiving A Gratuity By A Public Official

18 U.S.C. § 201(c)(1)(B)

*Max. Penalty: 2 years' imprisonment

Counts #: 2, 8

Conversion Of Property Of Another Less Than \$1000 By An Employee Of The United States

18 U.S.C. § 654

*Max. Penalty: 1 year imprisonment

Counts #: 4, 6

Conversion Of Property Of Another More Than \$1000 By An Employee Of The United States

18 U.S.C. § 654

*Max. Penalty: 10 years' imprisonment

Counts #: 9, 10

Disclosure Of Confidential Information

18 U.S.C. § 1905

*Max. Penalty: 1 year imprisonment

Counts #: 11, 12, 13

False Statement

18 U.S.C. § 1001

***Max. Penalty: 5 years' imprisonment**

Count #: 14

Obstruction Of Justice

18 U.S.C. § 1503

***Max. Penalty: 10 years' imprisonment**

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**